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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,048	07/10/2006	Ludovicus C.M. Nuyts	NUYT0101PUSA	5253
22045	7590	06/20/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			GIBSON, RANDY W	
			ART UNIT	PAPER NUMBER
			2841	
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			06/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,048	<b>Applicant(s)</b> NUYTS, LUDOVICUS C.M.	
	<b>Examiner</b> Randy W. Gibson	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/07&amp;10/6/06</u>                                      | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim objected to because of the following informalities: in claim 10, line 9, the phrase "such as" renders the claim indefinite; See **MPEP** § 2173.05(d). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nuyts (US # 5,773,768). Nuyts discloses the claimed device (Fig.s 4, 5 & 11) including at least one weighing element (17), a fastener (15) connected to the framework/chassis (12) and a second fastener (16) connected to the receptor/superstructure (14), and a leverage (13) for lifting receptor/superstructure.
3. Claims 10-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nuyts (US # 5,174,404). Nuyts discloses the claimed device (Fig.s 1 & 4)

including at least one weighing element (9), a fastener (13) connected to the framework/chassis (1) and a second fastener (13) connected to the receptor/superstructure (12), and a leverage (16) for lifting receptor/superstructure.

4. Claims 10-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tyhy et al (US # 5,393,936). Tyhy discloses the claimed device (Fig. 4) including at least one weighing element (11a,11b), a fastener (unlabeled) connected to the framework/chassis (4) and a second fastener (11d) connected to the receptor/superstructure (6), and a leverage (12) for lifting receptor/superstructure. With respect to claim 16, the jack (12) is located in a plane that lies between the two fasteners.

5. Claims 10-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Strelhoff (US # 5,369,222). Strelhoff discloses the claimed device (Fig.s 2a-2c) including at least one weighing element (90), a fastener (95) connected to the framework/chassis (30) and a second fastener (93) connected to the receptor/superstructure (20), and a leverage (80) for lifting receptor/superstructure. With respect to claim 16, the jack is located in a plane that lies between the two fasteners.

6. Claims 10-12 and 14-16 are rejected under 35 U.S.C. 102(b\*) as being anticipated by Doerksen (US # 5,789,714).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doerksen (US # 5,789,714) in view of Maugh (US # 3,545,558). Doerksen discloses the claimed invention except he places a load cell upon his hydraulic jack to measure weight, instead of simply using fluid pressure in the jack as an indication of weight. However it is old and well known to use hydraulic pressure in a lifting jack as an indicator of weight, as shown by the example of Maugh, and it would have been obvious to modify the device of Doerksen to do the same motivated by its art recognized functional equivalence.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy W. Gibson/  
Primary Examiner, Art Unit 2841

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Primary Examiner  
Art Unit 2841